

1 DAVID BURCHARD  
2 CHAPTER 13 TRUSTEE  
3 PO BOX 8059  
FOSTER CITY, CA 94404  
(650) 345-7801 FAX (650)345-1514  
(707) 544-0475 FAX (707) 544-0475  
4

5  
6 UNITED STATES BANKRUPTCY COURT  
7 NORTHERN DISTRICT OF CALIFORNIA  
8 SANTA ROSA DIVISION  
9

10 In re: ) Case No.: 10-1-2967AJ13  
11 ) Chapter 13  
12 )  
13 RONVI PAREJA and FARRAH ANN ) EX-PARTE APPLICATION FOR ORDER  
14 KHABAGNOTE ) AUTHORIZING THE CHAPTER 13 TRUSTEE  
 ) TO MAKE ADEQUATE PROTECTION  
 ) PAYMENTS  
15 )  
16 )  
17 )  
18 )  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

17 David Burchard, Chapter 13 Trustee in the above referenced matter, makes this Ex-Parte  
18 Application for an Order directing the Chapter 13 Trustee to make the adequate protection payments  
19 proposed by the debtor(s) plan. In support of this application the trustee represents;

20 (1) That 11 U.S.C. 1326(A) (1) (C) requires the debtor to commence making payments that  
21 provide adequate protection directly to a creditor holding an allowed claim secured by personal  
22 property to the extent the claim is attributable to the purchase of such property by the debtor for that  
23 portion of the obligation that became due after the order for relief, and reducing the payments to the  
24 trustee by such payments.

25 (2) 11 U.S.C. 1326(a) (1) provides that the court may order otherwise.

26 (3) That the debtor(s) do not know whether an allowed claim has been filed and thus the  
27 debtor(s) do not know when to begin such adequate protection payments.

28 (4) That the trustee cannot reduce the claim of the creditor by the adequate protection  
payments when the payments are made directly without an objection to such claim.

1 (5) That administratively the payment of adequate protection payments by the trustee would  
2 be in the best interest of the debtor(s) and the creditors.

3 **WHEREFORE**, the Chapter 13 Trustee requests the court enter an order as follows:

- 4 1. Adequate protection payments required by 11 U.S.C. 1326(a)(1)(C) and the proposed plan  
5 shall be paid by the trustee not the debtor.
- 6 2. Adequate protection payments required by 11 U.S.C. 1326(a)(1)(B) and the proposed plan  
7 shall be paid by the debtor directly to the lessor, reducing the debtor(s) plan payment by that  
8 amount so paid and providing the trustee with evidence of such payment including the amount  
9 and date of payment.
- 10 3. Adequate protection payments pursuant to 11 U.S.C. 1326 (a)(1)(C) and the proposed plan  
11 shall be paid when the claim holder has filed a proof of claim. To the extent funds are available  
12 the trustee shall pay the claim holder adequate protection payments for those periods from the  
13 filing of the petition through the date of confirmation.
- 14 4. The trustee shall begin making the adequate protection payments in connection with the  
15 trustee's customary month end disbursement cycle beginning the month after the petition is  
16 filed.
- 17 5. The trustee may access an administrative fee for making the payments required by this order  
18 and shall collect such fee at the time of making the payment from the funds on hand in the  
19 case. The allowed fee shall be equal to the percentage fee established by the Attorney general  
20 pursuant to 28 U.S.C. 586(e)(1)(B) in effect at the time of the distribution.
- 21 6. Upon dismissal or conversion prior to confirmation of the plan, the trustee shall first make the  
22 payments required by paragraph 1 above, then any unpaid claims allowed pursuant to section  
23 503(b), before returning the balance of the funds held by the trustee to the debtor.
- 24 7. The trustee shall serve the creditors receiving adequate protection payments with the order on  
25 Chapter 13 Adequate Protection Payments.
- 26 8. On appropriate motion any party may, either ex-parte or on noticed motion, request this order  
27 be modified by the court.

28 Dated:August 9, 2010

Respectfully submitted,

29 David Burchard  
30 David Burchard  
31 Chapter 13 Trustee

1  
2                   **CHAPTER 13 TRUSTEE**  
3                    **P.O. BOX 8059**  
4                   **FOSTER CITY, CA 94404**

5                   **PROOF OF SERVICE BY MAIL**

6  
7                   **STATE OF CALIFORNIA, COUNTY OF SAN MATEO**

8                   I am employed in the County of **San Mateo**, State of California. I am over the age of 18 and not a  
9                   party to the within action. My business address is P.O. Box 8059, Foster City, CA 94404.

10                  On August 9, 2010, I served the foregoing documents described as: **Ex parte Application FOR  
11                  ORDER AUTHORIZING THE CHAPTER 13 TRUSTEE TO MAKE ADEQUATE PROTECTION  
12                  PAYMENTS**

13                  I served the above documents on the interested parties by placing a true copy thereof in a sealed  
14                  envelope with the Trusteeship's mail room personnel for affixing a fully prepaid postage and mailing in  
15                  the United States mail at Foster City, California in accordance with the Trusteeship's ordinary  
16                  practices, addressed as set forth below:

17                  Toyota Financial Services  
18                  PO Box 60114  
19                  City of Industry, CA 91716-0144

20                  Wfs Financial/Wachovia Dealer Services  
21                  Po Box 19657  
22                  Irvine, CA 92623

23                  I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge  
24                  and belief.

25                  Executed on August 9, 2010, at Foster City, California.

26                  \_\_\_\_\_  
27                  DENIZ BRIDGMAN  
28                  DENIZ BRIDGMAN